STATUTORY INSTRUMENTS

1980 No. 335

SEA FISHERIES

LANDING AND SALE OF SEA FISH

The Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1980

Made - - - -	*6th March* 1980
Laid before Parliament	*17th March* 1980
Coming into Operation	*7th April* 1980

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 6 and 15 of the Sea Fish (Conservation) Act 1967**(a)** and now vested in them **(b)** and of all their other enabling powers, after consultation with the Secretary of State for Trade **(c)**, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Sea Fishing (Specified Western Waters) (Restrictions on Landing) Order 1980 and shall come into operation on 7th April 1980.

Interpretation

2. In this order—

"British fishing boat" means a fishing boat which is registered in the United Kingdom or is British-owned;

"Channel Island waters" means the waters within 12 miles from the baselines from which the breadth of the territorial sea adjacent to any of the Channel Islands is measured but not extending beyond a line every point of which is equidistant from the nearest points of such baselines and the corresponding baselines of France;

(a) 1967 c. 84, section 15 was amended by the Sea Fisheries Act 1968 (c. 77), section 22(1) and Schedule 1 paragraph 38, and by the Fishery Limits Act 1976 (c. 86), section 9(1) and Schedule 2 paragraph 16(1) and (3).

(b) By article 2(3) of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(c) The Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537), and the Secretary of State (New Departments) Order 1974 (S.I. 1974/692).

"ICES area VII" means that statistical area of the International Council for the Exploration of the Sea **(a)** described in Part 1 of Schedule 1 to this order;

"ICES sub-area VIId" means that statistical division of the International Council for the Exploration of the Sea described in Part 2 of Schedule 1 to this order;

"ICES sub-area VIIe" means that statistical division of the International Council for the Exploration of the Sea described in Part 3 of Schedule 1 to this order;

"length" means the length by reference to which the tonnage of a British fishing boat is calculated for the purpose of registration under Part IV of the Merchant Shipping Act 1894**(b)**;

"specified sea fish" means the descriptions of sea fish set out in Schedule 2 to this order.

Prohibition of landing

3. Subject to article 4 below, the landing in the United Kingdom of any of the specified sea fish caught in ICES area VII is prohibited.

Exceptions from prohibition

4. The prohibition imposed by article 3 above is subject to the following exceptions:—

(*a*) the landing of specified sea fish caught by any fishing boat which is not a British fishing boat;

(*b*) the landing of specified sea fish caught by any British fishing boat whose length is less than 40 feet;

(*c*) the landing of specified sea fish caught under the authority of a licence granted by or on behalf of one of the Ministers or the Isle of Man Board of Agriculture and Fisheries;

(*d*) the landing of any of the specified sea fish caught in any part of ICES sub-area VIId or ICES sub-area VIIe respectively which is within Channel Island waters, if fishing for that description of sea fish in the remainder of the relevant ICES sub-area is for the time being authorised by a licence granted by or on behalf of one of the Ministers;

(*e*) the landing of a quantity of one of the specified sea fish which—

(i) has been caught in any part of ICES area VII by the fishing boat landing that quantity otherwise than under the authority of a licence granted by or on behalf of one of the Ministers or the Isle of Man Board of Agriculture and Fisheries in the course of fishing in that area for another description of sea fish the fishing for which is not prohibited or being prohibited is authorised by such a licence; and

(ii) does not exceed 10 per cent by weight of the landed catch.

(a) Cmnd. 2586.

(b) 1894 c. 60.

Saving

5. Nothing in this order affects the provisions of the Immature Sea Fish Order 1979**(a)**.

Enforcement

6. For the purposes of the enforcement of this order—

(*a*) there are hereby conferred on every British sea-fishery officer all the powers of a British sea-fishery officer under section 8(2) to (4) of the Sea Fisheries Act 1968**(b)**;

(*b*) the weight of any fish landed may be calculated by reference to a representative sample taken therefrom by a British sea-fishery officer.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd February 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

26th February 1980.

George Younger,
Secretary of State for Scotland.

6th March 1980.

Humphrey Atkins,
Secretary of State for Northern Ireland.

3rd March 1980.

Nicholas Edwards,
Secretary of State for Wales.

(a) S.I. 1979/741.
(b) 1968 c. 77, subsection (4) is amended by the Fishery Limits Act 1976, sections 2(8) 9(1) and Schedule 2, paragraph 17(1).

SCHEDULE 1

Article 2

PART I

ICES AREA VII

The waters bounded by a line beginning at a point on the west coast of the Republic of Ireland in 54° 30′ north latitude; thence due west to 18° 00′ west longitude; thence due south to 48° 00′ north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to a point in 51° 00′ north latitude; thence due west to the south-east coast of England; thence in a westerly and northerly direction along the coasts of England, Wales and Scotland to a point on the west coast of Scotland in 55° 00′ north latitude; thence due west to the coast of Northern Ireland; thence in a northerly and westerly direction along the coasts of Northern Ireland and the Republic of Ireland to the point of beginning.

PART 2

ICES SUB-AREA VIId

The waters bounded by a line beginning at a point on the west coast of France in 51° 00′ north latitude; thence due west to the coast of England; thence in a westerly direction along the south coast of England to 2° 00′ west longitude; thence south to the latitude of Cap de la Hague; thence due east to the Cap de la Hague; thence in an easterly direction along the coast of France to the point of beginning.

PART 3

ICES SUB-AREA VIIe

The waters bounded by a line beginning on the south coast of England in 2° 00′ west longitude; thence in a southerly and westerly direction along the coast of England to a point on the south-west coast in 50° 00′ north latitude; thence due west to 7° 00′ west longitude; thence due south to 49° 30′ north latitude; thence due east to 5° 00′ west longitude; thence due south to 48° 00′ north latitude; thence due east to the coast of France; thence in a northerly and north-easterly direction along the coast of France to Cap de la Hague; thence due west to 2° 00′ west longitude; thence due north to the point of beginning.

SCHEDULE 2

Article 2

SPECIFIED SEA FISH

Cod (Gadus Morhua)
Haddock (Melanogrammus Aeglefinus)
Whiting (Merlangius Merlangus)
Plaice (Pleuronectes Platessa)
Sole (Solea Solea)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order prohibits the landing in the United Kingdom of cod, haddock, whiting, plaice and sole caught in ICES area VII by British fishing boats of 40 feet and over in length. There is excepted from this prohibition the landing of such descriptions of sea fish caught under the authority of a licence granted by one of the fisheries Ministers or the Isle of Man Board of Agriculture and Fisheries, or caught in specified circumstances within the fishery limits of the Channel Islands, and the landing of a by-catch (not exceeding 10 per cent by weight of the landed catch) of one of those descriptions caught in the course of fishing for another description of sea fish, the fishing for which is either not prohibited or is authorised by such a licence.